

REMARKS

Favorable reconsideration and allowance of the claims of the present application are respectfully submitted.

Claims 1-29 are pending. Particularly, Claims 1-8, 10-14, 16-28 stands rejected under 35 USC §103(a) as being unpatentable over Pham (US Pat Pub. No. 2003/0097591), in view of Griffiths (US 6,014,698). In addition, Claims 16-29 stand rejected under 35 USC § 101 because the claimed invention is directed to non-statutory subject matter. Moreover, Claim 22 is objected under 37 CFR § 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. In the Office Action, the Examiner further indicated that Claims 9, 15, and 29 were allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response, independent Claims 1, 16, 19 and 23 have been amended. Particularly, allowable dependent claims 9 has been incorporated into independent Claims 1 and 16 including intervening dependent Claim 6. In addition, allowable dependent Claim 29 has been incorporated into independent Claims 19 and 23 including intervening dependent Claims 26. Additionally, dependent Claims 17 -21, 24-25, and 27-28 have been amended as detailed below in response to the 35 USC § 101 rejection and to conform to the amendments incorporating the allowable dependent claims to which they depend. Dependent Claims 6, 9, 22, 26 and 29 have been canceled without prejudice.

With regards to the rejection Claim 22 as being in improper dependent form, Applicants have canceled Claim 22 rendering this objection moot.

Therefore, Applicants respectfully request withdrawal of this ground of objection.

With regards to the rejection of Claims 16-29 under 35 USC § 101, Applicants have amended base Claim 16 to more clearly define the inventive system. Dependent Claims 17-18 have likewise been amended to define the means and an article of manufacture. Support for the amendments to Claims 16-18 are found in the specification and drawings (for example page 7, lines 11- 22 and FIG. 1).

Base Claims 19 and 23 have been amended in proper *Beauregard* form, to recite a computer program storage device, readable by machine, tangibly embodying a program of instructions executable by a machine. In re Beauregard, 53 F.3d 1583 (Fed. Cir. 1995). Dependent claims 20-21 and 24-25 and 27-28 now properly depend from amended base Claims 19 and 23 and are now statutory.

Therefore, Applicants request withdrawal of this ground of objection.

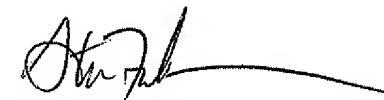
Claims 1-8, 10-14, 16-28 stands rejected under 35 USC §103(a) as being unpatentable over Pham (US Pat Pub. No. 2003/0097591), in view of Griffiths (US 6,014,698). However as Applicants have incorporated allowable dependent Claims 9, 15, and 29 into rejected independent Claim 1, 16, 19 and 23, these independent claims are now allowable.

Applicants are not conceding in this application that those claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the allowable subject matter noted by the examiner. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

Therefore, Applicants respectfully request withdrawal of the obviousness rejections to the base claims.

Thus, in view of the foregoing amendments and remarks, it is firmly believed that the present case is in condition for allowance, which action is earnestly solicited.

Respectfully Submitted,



Steven Fischman
Registration No. 34,594

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza – Suite 300
Garden City, New York 11530
(516) 742-4343, Ext. 592

Customer No. 23389

SF:DJD:tam